

# Notice of Allowability

Application No.

10/748,145

Examiner

CUONG H. NGUYEN

Applicant(s)

WADA ET AL.

Art Unit

3661

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/31/03.
2. ☒ The allowed claim(s) is/are 1-12; 9 sheets of formal drawings are accepted by the examiner.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 12/31/03 & 4/04/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit: 3661

***DETAILED ACTION***

1. This Office Action is the answer to IDS filed on 4/04/2006; which paper has been placed of record.
2. Claims 1-12 are pending in this application.

***Drawings***

3. Nine sheets of formal drawings are accepted by the examiner.

***Priority***

4. This application claims a foreign priority: 2003-009521 filed on 1/17/2003 in Japan.

***Allowable Subject Matter & Reason for Allowance***

5. Independent claims 1, 5, and 9 are considered non-obvious over the closest reference of Bota et al. (US Pat. 5,393,279), because this reference does not anticipate nor fairly and reasonably teach a high acceleration time shift control apparatus/method for a vehicle, comprising:

a transmission which achieves plural shift speeds whose gear ratios are different from each other, and a high acceleration time up shifting control device which changes a shift speed of the transmission to a higher speed based on a predetermined determination rotational speed such that an input rotational speed of the transmission substantially reaches a target maximum rotational speed when a request for high acceleration is made by a driver, wherein the high acceleration time up shifting control device outputs an up shift command for performing an up shift when the determination rotational speed reaches a predetermined shift determination speed; calculates an actual ineffective time until shifting is actually started and the input rotational speed starts decreasing after the up shift command is output; computes a virtual maximum

rotational speed, that is a maximum rotational speed when the input rotational speed changes at a reference rotational speed change rate, based on the input rotational speed when the up shift command is output, the ineffective time and the predetermined reference rotational speed change rate; and changes the shift determination speed such that the virtual maximum rotational speed comes close to the target maximum rotational speed and then performs learning.

Bota et al.'s reference does not teach a claimed feature wherein a high acceleration time shift control apparatus changes a shift determination speed such that a virtual maximum rotational speed comes close to a target maximum rotational speed.

6. Dependent claims 2-4, 6-8, and 10-12 are allowable because they are dependent on claim 1, 5, and 9.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cuong H. Nguyen*  
CUONG NGUYEN  
PRIMARY EXAMINER